

FIRST REGULAR SESSION

# SENATE BILL NO. 478

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 28, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1822S.011

## AN ACT

To repeal sections 115.081, 115.126, 115.223, 115.277, 115.279, 115.283, 115.287, 115.290, 115.291, 115.295, 115.300, 115.430, and 115.637, RSMo, and to enact in lieu thereof fifteen new sections relating to elections, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 115.081, 115.126, 115.223, 115.277, 115.279, 115.283, 115.287, 115.290, 115.291, 115.295, 115.300, 115.430, and 115.637, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 115.081, 115.203, 115.205, 115.219, 115.223, 115.277, 115.279, 115.283, 115.287, 115.291, 115.295, 115.300, 115.430, 115.456, and 115.637, to read as follows:

115.081. 1. Each election authority shall appoint election judges for each polling place within its jurisdiction in accordance with the provisions of this section.

2. In all primary and general elections, the election authority shall appoint at least two judges from each major political party to serve at each polling place. No major political party shall have a majority of the judges at any polling place. No established party shall have a greater number of judges at any polling place than any major political party.

3. In any election that is not a primary or general election, the election authority shall appoint at least one judge from each major political party to serve at each polling place. No major political party shall have a majority of the judges at any polling place. No established party shall have a greater number of judges

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

at any polling place than any major political party.

**4. In all elections, the election authority may designate two election judges per precinct as polling place locators. The election judges designated as polling place locators shall not be from the same political party. Polling place locators shall assist voters who appear at the wrong polling places in locating their correct polling places.**

5. The election authority shall designate two of the judges appointed for each polling place, one from each major political party, as supervisory judges. Supervisory judges shall be responsible for the return of election supplies from the polling place to the election authority and shall have any additional duties prescribed by the election authority.

[5.] **6.** Election judges may be employed to serve for the first half or last half of any election day. Such judges shall be paid one-half the regular rate of pay. If part-time judges are employed, the election authority shall employ such judges and shall see that a sufficient number for each period are present at all times so as to have the proper total number of judges present at each polling place throughout each election day. The election authority shall require that at each polling place at least one election judge from each political party serve a full day and that at all times during the day there be an equal number of election judges from each political party.

[6.] **7.** An election authority may appoint additional election judges representing other established political parties and additional election judges who do not claim a political affiliation. Any question which requires a decision by the majority of judges shall only be made by the judges from the major political parties.

**115.203. 1. No person shall pay or otherwise compensate any other person for registering voters based on the number of:**

- (1) Voters registered by the other person;**
- (2) Voter registration applications collected by the other person;**

**or**

**(3) Voter registration applications submitted to election officials by the other person.**

**2. No person shall receive or accept payment or any other compensation from any other person for registering voters based on the number of:**

- (1) Voters registered by the person receiving or accepting**

payment or other compensation;

(2) Voter registration applications collected by the person receiving or accepting payment or other compensation; or

(3) Voter registration applications submitted to election officials by the person receiving or accepting payment or other compensation.

3. No person who agrees or offers to submit a voter registration application for another person shall knowingly destroy, deface, or conceal such voter registration application.

4. Any person who accepts or receives a voter registration application from another person and agrees or offers to submit such application to the election authority for the registrant shall deliver the application to the election authority within seven days of accepting or receiving the application.

5. A violation of this section is a class four election offense.

115.205. 1. Any person who is paid or otherwise compensated for soliciting more than ten voter registration applications shall be registered with the secretary of state as a voter registration solicitor. A voter registration solicitor shall be at least eighteen years of age and shall be a registered voter in the state of Missouri.

2. Each voting registration solicitor shall provide the following information in writing to the secretary of state's office:

(1) The name of the voting registration solicitor;

(2) The residential address, including street number, city, state, and zip code;

(3) The mailing address, if different from the residential address;

(4) Whether the voting registration solicitor expects to be paid for soliciting voter registrations;

(5) If the voter registration solicitor expects to be paid, the identity of the payor;

(6) The signature of the voter registration solicitor.

3. The solicitor information required in subsection 2 of this section shall be submitted to the secretary of state's office with the following oath and affirmation:

"I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT."

4. Any voter registration solicitor who knowingly fails to register

with the secretary of state or knowingly submits false information to the secretary of state is guilty of a class three election offense. Voter registration applications shall be accepted by the election authority if such applications are otherwise valid, even if the voter registration solicitor who procured the applications fails to register with or submits false information to the secretary of state.

115.219. 1. Any person who believes a violation of any provision of Title III of the Help America Vote Act of 2002 (HAVA), 42 U.S.C. Sections 15481 to 15485, has occurred, is occurring, or is about to occur may file a complaint with the elections division of the secretary of state's office.

2. Any complaint filed under this section shall:

(1) Be in writing, signed, and sworn to before a notary public commissioned by the state of Missouri;

(2) Be filed within thirty days of the certification of the election in which the violation is alleged to have occurred; and

(3) State the following:

(a) The name and mailing address of the person or persons alleged to have committed the violation of Title III of HAVA described in the complaint;

(b) A description of the act or acts that the person filing the complaint believes is a violation of Title III of HAVA; and

(c) The nature of the injury suffered or is about to be suffered by the person filing the complaint.

3. The elections division shall promptly provide a copy of the complaint by certified mail to:

(1) All persons identified in the complaint as possible violators of Title III of HAVA; and

(2) The election authority in whose jurisdiction the violation is alleged to have occurred or is about to occur.

4. The elections division may consolidate complaints filed under this section.

5. Upon the proper filing of a complaint under this section, the secretary of state shall appoint a presiding officer who shall conduct an investigation of the complaint.

6. At the request of the person filing the complaint or if the

presiding officer believes that the circumstances so dictate, the presiding officer shall conduct a hearing on the complaint and prepare a record on the hearing, such hearing to be conducted within ten days of the request of the person filing the complaint.

7. Upon completion of the investigation, the presiding officer shall submit the results to the elections division, which shall then issue a written report. The elections division shall provide a copy of the report by certified mail to:

- (1) The person who filed the complaint;
- (2) The person or persons alleged to have committed the violation;

and

(3) The election authority in whose jurisdiction the violation is alleged to have occurred.

8. The report described in subsection 7 of this section shall:

(1) Indicate the date when the complaint was received by the elections division;

(2) Contain findings of fact regarding the alleged violation and state whether a violation of Title III of HAVA has occurred;

(3) State what steps, if any, the person or persons alleged to have committed a violation have taken to correct and/or prevent any reoccurrence;

(4) Suggest any additional measures that could be taken to correct the violation;

(5) Indicate the date a violation was corrected or is expected to be corrected;

(6) Provide any additional information or recommendations useful in resolving the complaint.

9. If the elections division determines that there is a violation of Title III of HAVA, the elections division shall determine and provide the appropriate remedy, as authorized by law to do so. If the elections division determines that it is not authorized by law to provide an appropriate remedy, the elections division shall, if possible, refer the matter to the appropriate agency or office that has jurisdiction.

115.223. Whenever a voter's name has been removed from the registration records by an election authority, the voter may appeal the removal to the circuit court. Unless prohibited by court rule, the petition may be filed in an associate

circuit court division. No formal pleading shall be required, and it shall be sufficient for the voter to present to the court an application verified by affidavit setting forth that [his] **the voter's** name has been removed from the registration records, the date of such removal, and any other information showing [his] **the voter's** qualification to vote. The application shall first be presented to the election authority, which shall either restore the voter's name to the registration records or furnish a statement showing the reason the voter's name was removed from the records. The court shall hear and dispose of such application forthwith. Evidence may be introduced for and against the application. If the court sustains the application, the court shall notify the election authority of its action, and the election authority shall restore the applicant's name to the registration records and note that it was restored by order of the court. No person whose name is restored to the registration records by order of the court shall be protected by such order if [he] **such person** is challenged or prosecuted for false registration or false voting. **[If a voter's name is] All appeals to the circuit court under this section shall be filed by the voter on or before the second Tuesday prior to the election and shall be decided by the court before election day. If a court determines that a voter's name should be** restored to the registration records [by the election authority or by order of the court] on election day, the voter shall be permitted to [vote] **cast a provisional ballot under section 115.430** in the office of the election authority **and the vote shall be counted if the voter was eligible and entitled to register to vote. A copy of the voter's pleading or application, the election authority statement, and the court order shall be attached to the provisional ballot envelope.**

115.277. 1. [Except as provided in subsections 3, 4 and 5 of this section,] Any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day [due to:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

(2) Incapacity or confinement due to illness or physical disability, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability;

(3) Religious belief or practice;

(4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;

(5) Incarceration, provided all qualifications for voting are retained] **for any reason.**

2. Any person in federal service, as defined in section 115.275, who is eligible to register and vote in this state but is not registered may vote only in the election of presidential and vice presidential electors, United States senator and representative in Congress even though the person is not registered. Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5. Any new resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

115.279. 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity. The election authority shall accept applications by facsimile transmission within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, [his or her reason for voting an absentee ballot] and the address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application,

notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. All applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application. In addition, the election authority shall provide to each absent uniformed services voter and each overseas voter who submits an absentee ballot request an absentee ballot through the next two regularly scheduled general elections for federal office.

(2) The election authority shall provide each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the election authority rejects the application or request, with the reasons for the rejection.

(3) Notwithstanding any other law to the contrary, if a standard oath

regarding material misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee ballot, or other election-related materials.

(4) Not later than sixty days after the date of each regularly scheduled general election for federal office, each election authority which administered the election shall submit to the secretary of state in a format prescribed by the secretary a report on the combined number of absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas voters for the election. The secretary shall submit to the Election Assistance Commission a combined report of such information not later than ninety days after the date of each regularly scheduled general election for federal office and in a standardized format developed by the commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report available to the general public.

(5) As used in this section, the terms "absent uniformed services voter" and "overseas voter" shall have the meaning prescribed in 42 U.S.C. 1973ff-6.

6. An application for an absentee ballot by a new resident, as defined in section 115.275, shall be submitted in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or any authorized officer of the election authority, and in substantially the following form:

"STATE OF.....

COUNTY OF....., ss.

I,....., do solemnly swear that:

(1) Before becoming a resident of this state, I resided at ..... (residence address) in ..... (town, township, village or city) of ..... County in the state of .....

(2) I moved to this state after the last day to register to vote in such general presidential election and I am now residing in the county of ....., state of Missouri;

(3) I believe I am entitled pursuant to the laws of this state to vote in the presidential election to be held November ....., ..... (year);

(4) I hereby make application for a presidential and vice presidential

ballot. I have not voted and shall not vote other than by this ballot at such election.

Signed .....

(Applicant)

.....

(Residence Address)

Subscribed and sworn to before me this ..... day of

....., .....

Signed .....

(Title and name of officer authorized to administer oaths)"

7. The election authority in whose office an application is filed pursuant to subsection 6 of this section shall immediately send a duplicate of such application to the appropriate official of the state in which the new resident applicant last resided and shall file the original of such application in its office.

8. An application for an absentee ballot by an intrastate new resident, as defined in section 115.275, shall be made in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or an authorized officer of the election authority, and in substantially the following form:

"STATE OF .....

COUNTY OF ....., ss.

I, ....., do solemnly swear that:

(1) Before becoming a resident of this election jurisdiction, I resided at ..... (residence address) in ..... (town, township, village or city) of ..... county in the state of .....

(2) I moved to this election jurisdiction after the last day to register to vote in such election;

(3) I believe I am entitled pursuant to the laws of this state to vote in the election to be held ..... (date);

(4) I hereby make application for an absentee ballot for candidates and issues on which I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other than by this ballot at such election.

Signed .....

(Applicant)

.....

(Residence Address)

Subscribed and sworn to before me this ..... day of ....., .....

Signed .....

(Title and name of officer authorized to administer oaths)"

9. An application for an absentee ballot by an interstate former resident, as defined in section 115.275, shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the application is made in person by the applicant in the office of the election authority, in which case such application shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, **and** the voter's mailing address [and the voter's reason for voting an absentee ballot]. On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of .....

I, ..... (print name), a registered voter of ..... County (City of St. Louis, Kansas City), declare [under the penalties of perjury] that I expect to be prevented from going to the polls on election day [due to (check one):

..... absence on election day from the jurisdiction of

- the election authority in which I am registered;
- ..... incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;
- ..... religious belief or practice;
- ..... employment as an election authority or by an election authority at a location other than my polling place;
- ..... incarceration, although I have retained all the necessary qualifications for voting].

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....	.....
Signature of voter	Signature of Person Assisting Voter (if applicable)
.....	
<b>Date</b>	
Signed .....	[Subscribed and sworn to]
Signed .....	[ before me this .....]
Address of Voter	[day of ....., .....]
.....	[ .....]
.....	[ .....]
Mailing addresses	[Signature of notary or other]
(if different)	[ officer authorized to]
	[ administer oaths]

3. The statement for persons voting absentee ballots pursuant to the provisions of subsection 2, 3, 4 or 5 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri  
 County (City) of .....

I, ..... (print name), declare under the penalties of perjury that I am

a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

(1) I am a resident of the state of Missouri and (check one):

- ..... am a member of the U.S. armed forces in active service;
- ..... am an active member of the U.S. merchant marine;
- ..... am a civilian employee of the U.S. government working outside the United States;
- ..... am an active member of a religious or welfare organization assisting servicemen;
- ..... have been honorably discharged or terminated my service in one of the groups mentioned above within sixty days of this election;
- ..... am a spouse or dependent of one of the above;
- ..... am a registered voter in ..... County and moved from that county to ..... County, Missouri, after the last day to register to vote in this election.

OR (check if applicable)

(2) ..... I am an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors.

I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

..... [Subscribed to and sworn before]

Signature of Voter [me this ..... day]

..... [of ....., .....]

**Date**

.....  
..... [.....]

Address of Voter [Signature of notary or other]

[officer authorized to

[administer oaths]

.....  
.....

Mailing Address (if different) .....  
.....  
.....

Signature of Person Address of Last Missouri  
Assisting Voter Residence (if applicable)

4. The statement for persons voting absentee ballots who are entitled to vote at the election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri  
County (City) of .....

I, ..... (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day [due to (check one):

- ..... absence on election day from the jurisdiction of the election authority in which I am directed to vote;
- ..... incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;
- ..... religious belief or practice;
- ..... employment as an election authority or by an election authority at a location other than my polling place;
- ..... incarceration, although I have retained all the necessary qualifications of voting].

I hereby state under penalties of perjury that I own property in the ..... district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

..... [Subscribed and sworn to before]  
Signature of Voter [me this ..... day]  
[of ....., .....]

.....

.....

Address

[Signature of notary or other]

[officer authorized to

[administer oaths ]

.....

Signature of Person

Assisting Voter

(if applicable)

5. The statement for persons providing assistance to absentee voters shall be in substantially the following form:

The voter needed assistance in marking the ballot and signing above, because of blindness, other physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no other communication with the voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then signed the voter's name and completed the other voter information above. Signed under the penalties of perjury.

Reason why voter needed assistance: .....

ASSISTING PERSON SIGN HERE

1. .... (signature of assisting person)
2. .... (assisting person's name printed)
3. .... (assisting person's residence)
4. .... (assisting person's home city or town).

6. Notwithstanding any other provision of this section, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2) of subsection 1 of section 115.277.

8. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

9. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the **central** office of the election authority **as provided in subsection 2 of this section** or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority. Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision of the election authority to the circuit court in the manner provided in section 115.223.

2. **A voter shall be entitled to receive an absentee ballot at the central office or alternative location of the election authority only if the voter's absentee ballot application is timely submitted in accordance with section 115.279. Beginning on the sixth Tuesday prior to an election, the election authority may personally deliver absentee ballots to voters at its central office or one alternative location. The election authority shall personally deliver absentee ballots to voters only at its central office and one additional site, and only from 8:00 a.m. to 5:00 p.m. on business days during the absentee voting period and the last Saturday before the election. For voters who are entitled to apply for**

**absentee ballots on election day under section 115.279, the election authority may personally deliver such absentee ballots to the voters during the uniform election day polling hours established in section 115.407. This subsection shall not affect the election authority's ability to appoint bipartisan teams to deliver absentee ballots under subsection 3 of this section.**

3. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined in an adult boarding facility, intermediate care facility, residential care facility, or skilled nursing facility, as defined in section 198.006, RSMo, in the county in which the jurisdiction is located or in the jurisdiction or an adjacent election authority within the same county, the election authority shall appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. Each team appointed pursuant to this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

[3.] 4. On the mailing and ballot envelopes for each applicant in federal service, the election authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. 3406".

[4.] 5. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot.

115.291. 1. Upon receiving an absentee ballot, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. [The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official

receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to the provisions of section 115.284, illness or physical disability.] If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected.

2. Each absentee ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities; except that persons in federal service, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.

115.295. 1. As each absentee ballot is received by the election authority, the election authority shall indicate its receipt on the list. **Before opening the absentee ballot envelope, each election authority shall verify that the signature on the absentee ballot envelope matches the signature on file with the election authority.**

2. If the statements on any ballot envelope have not been completed **or the signature on the absentee ballot envelope does not match the signature on file with the election authority**, the absentee ballot in the envelope shall be rejected.

3. **If any absentee ballot is rejected under this section, the election authority shall so indicate on the absentee voter list maintained under section 115.289, and shall promptly provide written notice to the individual whose ballot was rejected. Such individuals shall be permitted to correct the information on their absentee ballot envelope at the office of the election authority any time before election day.**

4. All ballot envelopes received by the election authority shall be kept together in a safe place and shall not be opened except as provided in this subchapter.

115.300. In each jurisdiction, the election authority may start, not earlier than the [fifth] **tenth** day prior to the election, the preparation of absentee ballots for tabulation on the election day. The election authority shall give notice to the county chairman of each major political party forty-eight hours prior to beginning preparation of absentee ballot envelopes. Absentee ballot preparation shall be completed by teams of election authority employees or teams of election judges, with each team consisting of one member from each major political party. Absentee ballots shall not be counted by the same persons as those who removed such ballots from their envelopes.

115.430. 1. This section shall apply to primary and general elections where candidates for federal or statewide offices are nominated or elected and any election where statewide issue or issues are submitted to the voters. **The provisional ballot contained in this section shall contain the statewide candidates and issues, and federal candidates. The congressional district on the provisional ballot shall be for the address contained on the affidavit provided for in this section.**

2. (1) A voter claiming to be properly registered in the jurisdiction of the election authority and eligible to vote in an election, but whose eligibility cannot be immediately established upon examination of the precinct register or upon examination of the records on file with the election authority, shall be entitled to vote a provisional ballot after providing a form of personal identification required pursuant to section 115.427, or may vote at a central polling place as established in section 115.115 where they may vote their appropriate ballot upon verification of eligibility or vote a provisional ballot if eligibility cannot be determined. [The provisional ballot contained in this section shall contain the statewide candidates and issues, and federal candidates. The congressional district on the provisional ballot shall be for the address contained on the affidavit provided for in this

section. If the voter declares that the voter is eligible to vote and the election authority determines that the voter is eligible to vote at another polling place, the voter shall be directed to the correct polling place or a central polling place as established by the election authority pursuant to subsection 5 of section 115.115. If the voter refuses to go to the correct polling place or a central polling place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place, but such ballot shall not be counted.]

**(2) The following steps shall be taken to establish a voter's eligibility to vote at a polling place:**

**(a) The election judge shall examine the precinct register as provided in section 115.425. If the voter is registered and eligible to vote at the polling place, the voter shall receive a regular ballot;**

**(b) If the voter's eligibility cannot be immediately established by examining the precinct register, the election judge shall contact the election authority. If the election authority cannot immediately establish the voter is registered and eligible to vote at the polling place upon examination of its records on file, or if the election judge is unable to make contact with the election authority immediately, the voter shall be notified that the voter is entitled to a provisional ballot.**

**(3) The voter shall have the duty to appear and vote at the correct polling place. If an election judge determines that the voter is not eligible to vote at the current polling place and appears to be eligible to vote at another polling place, the voter shall be informed that the voter may cast a provisional ballot at the current polling place, or may travel to the correct polling place or a central polling place as established by the election authority under subsection 5 of section 115.115 where the voter may cast a regular ballot or provisional ballot if the voter's eligibility still cannot be determined. Provisional ballots cast at a polling place shall be counted only if the voter was eligible to vote at such polling place as provided in subsection 5 of this section.**

**(4) For a voter requesting an absentee ballot, such voter shall be entitled to cast a provisional ballot when the voter's eligibility cannot be immediately established upon examination of the records on file with the election authority.**

**(5) Prior to accepting any provisional ballot at the polling place, the election judges shall determine that the information provided on the**

**provisional ballot envelope by the provisional voter is consistent with the identification provided by such person under section 115.427.**

**3. (1) No person shall be entitled to receive a provisional ballot until such person has completed a provisional ballot affidavit on the provisional ballot envelope.**

**(2) The secretary of state shall produce appropriate sizes of provisional ballot envelopes and distribute them to each election authority according to their tabulating system. All provisional ballot envelopes shall be printed on a distinguishable color of paper. The provisional ballot envelope shall be in the form required by subsection 4 of this section.**

**(3) Once voted, the provisional ballot shall be placed and sealed in a provisional ballot envelope.**

**4. The provisional ballot in its envelope shall be deposited in the ballot box. The provisional ballot envelope shall be completed by the voter for use in determining eligibility. The provisional ballot envelope specified in this section shall contain a voter's certificate which shall be in substantially the following form:**

STATE OF .....

COUNTY OF .....

I do solemnly swear (or affirm) that my name is .....; that my date of birth is .....; that the last four digits of my Social Security Number are .....; that I am registered to vote in ..... County or City (if a City not within a County), Missouri; that I am a qualified voter of said County (or City not within a County); that I am eligible to vote at this polling place; and that I have not voted in this election.

I understand that if the above-provided information is not correct and the election authority determines that I am not registered and eligible to vote, my vote will not be counted. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

.....

(Signature of Voter)

.....

(Current Address)

Subscribed and affirmed before me this ..... day of ....., 20.....

.....

(Signature of Election Official)

The voter may provide additional information to further assist the election authority in determining eligibility, including the place and date the voter registered to vote, if known.

[4.] **5. (1)** Prior to [certification of the election] **counting any provisional ballot**, the election authority shall determine if the voter is registered and [entitled] **eligible** to vote and if the vote was properly cast. **The eligibility of provisional voters shall be determined according to the requirements for a voter to cast a ballot in the election as set forth in sections 115.133 and 115.135. A provisional voter is not eligible if the voter cast a provisional ballot at the wrong polling place or if the voter previously voted by regular ballot, advance ballot, absentee ballot, or otherwise.**

**(2)** When the ballot boxes are delivered to the election authority from the polling places, the receiving teams shall separate the provisional ballots from the rest of the ballots and place the sealed provisional ballot envelopes in a separate container. Teams of election authority employees or teams of election judges with each team consisting of one member of each major political party shall photocopy each provisional ballot envelope, such photocopy to be used by the election authority to determine provisional voter eligibility. The sealed provisional ballot envelopes shall be placed by the team in a sealed container and shall remain therein until tabulation.

**(3)** To determine whether a provisional ballot is valid and entitled to be counted, the election authority shall examine its records and verify that the provisional voter is properly registered and eligible to vote in the election. If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the election authority shall make an inquiry of the registration agency to determine whether the provisional voter is properly registered and eligible to vote in the election.

**(4)** If the election authority determines that the provisional voter is registered and eligible to vote in the election, the election authority shall provide documentation verifying the voter's eligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

(a) The name of the provisional voter;  
(b) The name of the reviewer;  
(c) The date and time; and  
(d) A description of evidence found that supports the voter's eligibility.

(5) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and a notation marking it as accepted.

(6) If the election authority determines that the provisional voter is not registered and/or eligible to vote in the election, the election authority shall provide documentation verifying the voter's ineligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

- (a) The name of the provisional voter;
- (b) The name of the reviewer;
- (c) The date and time; and
- (d) A description of why the voter is ineligible.

(7) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and notation marking it as rejected.

(8) If rejected, a photocopy of the envelope shall be made and used by the election authority as a mail-in voter registration. The actual provisional ballot envelope shall be kept as ballot material and the copy of the envelope shall be used by the election authority for registration record keeping.

6. All provisional ballots cast by voters whose eligibility has been verified shall be counted in accordance with the rules governing ballot tabulation. Provisional ballots shall not be counted until all provisional ballots are determined either eligible or ineligible. The provisional ballot shall be counted only if the election authority determines that the voter is registered and [entitled] eligible to vote. Provisional ballots voted in the wrong polling place shall not be counted. If the voter is not registered but is qualified to register for future elections, the affidavit shall be considered a [mail] mail-in application to register to vote pursuant to this chapter.

7. (1) After the election authority completes its review of the

provisional voter's eligibility under subsection 5 of this section, the election authority shall deliver the provisional ballots and copies of the provisional ballot envelopes which include eligibility information to bipartisan counting teams, which may be the board of verification, for review and tabulation. The election authority shall maintain a record of such delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box and material necessary for tabulation.

(2) If the person named on the provisional ballot affidavit is found to have been properly qualified and registered to cast a ballot in the election, the envelope shall be opened and the ballot shall be placed in a ballot box to be counted.

(3) If the person named on the provisional ballot affidavit is found not to have been properly qualified and registered to cast a ballot in the election or if the election authority is unable to determine such person's right to vote, the envelope containing the provisional ballot shall not be opened and the person's vote shall not be counted. The members of the team shall follow the procedures set forth in subsection 5 of this section for rejected provisional ballots.

(4) The voter shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Voted provisional ballots and ballot envelopes from the election held ....., 20..". All rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Rejected provisional ballots and ballot envelopes from the election held ....., 20..". On the outside of each voted ballot and rejected ballot container, each member of the team shall write their name and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional voter.

**8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be present during all times that the bipartisan counting teams are reviewing and/or counting the provisional ballots, the provisional ballot envelopes, and/or copies of the provisional ballot envelopes which include eligibility information provided by the election authority. The election authority shall notify the county chair of each major political party of the time and location when bipartisan counting teams will be reviewing and/or counting the provisional ballots, the provisional ballot envelopes, and/or the copies of the provisional ballot envelopes which include the eligibility information provided by the election authority.**

**9. The certificate of ballot cards shall:**

**(1) Reflect the number of provisional envelopes delivered; and**

**(2) Reflect the number of sealed provisional envelopes with voted ballots deposited in the ballot box.**

[5.] **10.** In counties where the voting system does not utilize a paper ballot, the election authority shall provide the appropriate provisional ballots to each polling place.

[6.] **11.** The secretary of state may promulgate rules for purposes of ensuring the uniform application of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

[7.] **12.** The secretary of state shall design and provide to the election authorities the envelopes and forms necessary to carry out the provisions of this section.

[8.] **13.** Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free access system is established, such as a toll-free number or an Internet web site, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. At the time an individual casts a provisional ballot, the election authority shall give the voter written information that states that any individual who casts a provisional ballot will be able to ascertain under such free access system whether the vote was counted, and if the vote was not counted, the reason that the vote was not counted.

[9.] **14.** In accordance with the Help America Vote Act of 2002, any

individual who votes in an election as a result of a court order or any other order extending the time established for closing the polls in section 115.407 may vote only by using a provisional ballot, and such provisional ballot shall be separated and held apart from other provisional ballots cast by those not affected by the order. Such ballots shall not be counted until such time as the ballots are determined to be valid. **No court shall have jurisdiction to extend the polling hours established by law, including section 115.407.**

**115.456. 1. (1) The election authority shall be responsible for ensuring that the standards provided for in this subsection are followed when counting ballots cast using punch card voting systems.**

**(2) Prior to tabulating ballots, all ballot cards shall be inspected by the election authority for hanging chad and/or damaged ballots.**

**(3) Inspection of ballot cards shall be conducted using the following guidelines:**

**(a) The election authority shall appoint a bipartisan team to inspect all ballots where a question exists about the condition of a ballot or existence of a hanging chad;**

**(b) All ballot card inspections conducted under this section shall be conducted by examining the ballot card from the back of the card;**

**(c) If a ballot is determined to be damaged, the bipartisan team shall spoil the original ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed method of matching the duplicate card with its original after it has been placed with the remainder of the ballot cards from the precinct; and**

**(d) If a chad is determined to be hanging by two or less corners, it shall be removed prior to being tabulated.**

**(4) In jurisdictions using punch card systems, a valid vote for a write-in candidate shall include the following:**

**(a) A distinguishing mark in the square immediately preceding the name of the candidate;**

**(b) The name of the candidate. If the name of the candidate as written by the voter is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted; and**

**(c) The name of the office for which the candidate is to be elected.**

(5) Whenever a hand recount of votes is ordered of punch card ballots, the provisions of this subsection shall be used to determine voter intent.

2. (1) The election authority shall be responsible for ensuring that the standards provided for in this subsection are followed when counting ballots cast using optical scan voting systems.

(2) Prior to tabulating ballots, all machines shall be programmed to reject blank ballots where no votes are recorded or where an overvote is registered in any race.

(3) In jurisdictions using precinct-based tabulators, the voter who cast the ballot shall review the ballot if rejected if the voter wishes to make any changes to the ballot or if the voter would like to spoil the ballot and receive another ballot.

(4) In jurisdictions using centrally-based tabulators, if a ballot is so rejected it shall be reviewed by a bipartisan team using the following criteria:

(a) If a ballot is determined to be damaged, the bipartisan team shall spoil the original ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed method of matching the duplicate card with its original after it has been placed with the remainder of the ballot cards from such precinct; and

(b) Voter intent shall be determined using the following criteria:

a. There is a distinguishing mark in the printed oval adjacent to the name of the candidate or issue preference;

b. There is a distinguishing mark adjacent to the name of the candidate or issue preference; or

c. The name of the candidate or issue preference is circled.

(5) In jurisdictions using optical scan systems, a valid vote for a write-in candidate shall include the following:

(a) A distinguishing mark in the designated location preceding the name of the candidate;

(b) The name of the candidate. If the name of the candidate as written by the voter is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted; and

(c) The name of the office for which the candidate is to be elected.

(6) Whenever a hand recount of votes of optical scan ballots is ordered, the provisions of this subsection shall be used to determine voter intent.

3. (1) The election authority shall be responsible for ensuring that the standards provided for in this subsection are followed when counting ballots cast using paper ballots.

(2) Voter intent shall be determined using the following criteria:

(a) There is a distinguishing mark in the square adjacent to the name of the candidate or issue preference;

(b) There is a distinguishing mark adjacent to the name of the candidate or issue preference; or

(c) The name of the candidate or issue preference is circled.

(3) In jurisdictions using paper ballots, a valid vote for a write-in candidate shall include the following:

(a) A distinguishing mark in the square immediately preceding the name of the candidate;

(b) The name of the candidate. If the name of the candidate as written by the voter is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted; and

(c) The name of the office for which the candidate is to be elected.

(4) Whenever a hand recount of votes of paper ballots is ordered, the provisions of this subsection shall be used to determine voter intent.

4. When write-in stickers are used, the sticker shall contain the name of a candidate, office sought, and a distinguishing mark in the square immediately preceding the name of the candidate and shall be approximately one inch by three inches in size with black print on a white background. The sticker shall be placed by the voter on the write-in line designating the office sought or the sticker shall be placed by the voter on the write-in line on the secrecy envelope.

115.637. The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by a fine

of not more than two thousand five hundred dollars or by both such imprisonment and fine:

(1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample ballots that may be furnished by an organization or individual at or near any voting place on election day, except that this subdivision shall not be construed so as to interfere with the right of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate and substituting the name of the person for whom he intends to vote; or to dispose of the received sample ballot;

(2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;

(3) Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;

(4) On the part of any candidate for election to any office of honor, trust, or profit, offering or promising to discharge the duties of such office for a less sum than the salary, fees, or emoluments as fixed by law or promising to pay back or donate to any public or private interest any portion of such salary, fees, or emolument as an inducement to voters;

(5) On the part of any canvasser appointed to canvass any registration list, willfully failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to perform his duties in making such canvass or willfully neglecting any duties lawfully assigned to him;

(6) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination to, election to, or the holding of, political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

(7) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in any form

other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;

(8) On the part of any election authority or official charged by law with the duty of distributing the printed ballots, or any person acting on his behalf, knowingly distributing or causing to be distributed any ballot in any manner other than that prescribed by law;

(9) Any person having in his possession any official ballot, except in the performance of his duty as an election authority or official, or in the act of exercising his individual voting privilege;

(10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

(11) On the part of any election judge, willfully absenting himself from the polls on election day without good cause or willfully detaining any election material or equipment and not causing it to be produced at the voting place at the opening of the polls or within fifteen minutes thereafter;

(12) On the part of any election authority or official, willfully neglecting, refusing, or omitting to perform any duty required of him by law with respect to holding and conducting an election, receiving and counting out the ballots, or making proper returns;

(13) On the part of any election judge, or party watcher or challenger, furnishing any information tending in any way to show the state of the count to any other person prior to the closing of the polls;

(14) On the part of any voter, except as otherwise provided by law, allowing his ballot to be seen by any person with the intent of letting it be known how he is about to vote or has voted, or knowingly making a false statement as to his inability to mark his ballot;

(15) On the part of any election judge, disclosing to any person the name of any candidate for whom a voter has voted;

(16) Interfering, or attempting to interfere, with any voter inside a polling place;

(17) On the part of any person at any registration site, polling place, counting location or verification location, causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence whereby such registration, election, count or verification is impeded or interfered with;

(18) Exit polling, surveying, sampling, electioneering, distributing election

literature, posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within [twenty-five] **fifty** feet of the building's outer door closest to the polling place, or, on the part of any person, refusing to remove or permit removal from property owned or controlled by him, any such election sign or literature located within such distance on such day after request for removal by any person;

(19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on private property, except that this subdivision shall not be construed to interfere with the right of any private property owner to take any action with regard to campaign yard signs on the owner's property and this subdivision shall not be construed to interfere with the right of any candidate, or the candidate's designee, to remove the candidate's campaign yard sign from the owner's private property after the election day.

[115.126. 1. Notwithstanding any provision of this chapter to the contrary, election authorities shall establish a plan to implement an advance voting period when eligible registered voters may vote before any general election in presidential election years at the office of the election authority and up to four other polling places designated by and under the control of the election authority. Such plan shall provide that the permissible advance voting period shall begin fourteen days prior to such election and end at 5:00 p.m. on the Wednesday before the day of such election.

2. Election authorities shall, pursuant to subsection 1 of this section, establish in their plans the hours and locations for advance voting. The election authority shall have all advance voting locations open on all business days during the advance voting period, and may have all advance voting locations open on Saturdays, Sundays and holidays during the advance voting period.

3. Except as provided in this section, advance voting procedures shall be conducted pursuant to sections 115.407 to 115.445. The secretary of state shall design the necessary application for use in an advance voting program pursuant to this section. All election authorities in this state shall submit to the secretary of state a plan to implement the advance voting period by December 31, 2002. The secretary of state shall assist election

authorities in developing a plan for the implementation of an advance voting program.

4. The plans established pursuant to this section shall also require that before the precinct registers are delivered to the polling places for an election, the election authority shall record in the precinct registers the names of all voters who have submitted an advance voting ballot. The election judge shall not allow any person who has voted an advance voting ballot in the election to vote at the polls on election day. If it is determined that any voter submitted an advance voting ballot and voted at the polls on election day, such person, having voted more than once, is guilty of a class one election offense pursuant to subdivision (2) of section 115.631.

5. The secretary of state may promulgate rules to effectuate the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.]

[115.290. Any person registered by mail under the provisions of section 115.159 and voting by absentee ballot shall provide an affidavit subscribed and sworn to as provided in section 115.291 regardless of the cause for requesting such ballot unless the voter is exempt from such requirement under section 115.284 or section 1973ee-3, title 42, United States Code.]